



PATENT

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicants: Mayer et al.

Serial No.: 10/524,063

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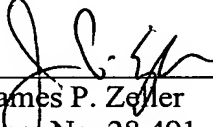
For: METHOD AND SYSTEM FOR
TRANSMITTING
NOTIFICATIONS TO USERS OF A
LOGISTIC SYSTEM

Group Art Unit: To be assigned

Examiner: To be assigned

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June 28, 2005


James P. Zeller
Reg. No. 28,491

TRANSMITTAL LETTER

Commissioner for Patents
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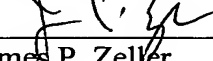
Sir:

Enclosed is an English language translation of the international preliminary
examination report for PCT/DE03/02647.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

June 28, 2005

By: 
James P. Zeller
Reg. No. 28,491
Attorneys for Applicants

6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300

Translation

PATENT COOPERATION TREATY

PCT/DE2003/002647



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ACDPA5218PWO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002647	International filing date (day/month/year) 06 August 2003 (06.08.2003)	Priority date (day/month/year) 16 August 2002 (16.08.2002)
International Patent Classification (IPC) or national classification and IPC G06F 17/60		
Applicant DEUTSCHE POST AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 8 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 10 March 2004 (10.03.2004)	Date of completion of this report 06 December 2004 (06.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/002647

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 4-51, as originally filed
 pages _____, filed with the demand
 pages 1, 2, 2a, 2b, 3, filed with the letter of 12 October 2004 (12.10.2004)
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-5, filed with the letter of 12 October 2004 (12.10.2004)
- ☒ the drawings:
 pages 1/4-4/4, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the sequence listing part of the description:
 pages 1-4, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

- D1: WO 02/50705 A (MARKETING PTY LTD U; BEST PHILIP (AU); OXLEY RICHARD (AU)), 27 June 2002 (2002-06-27)
- D2: US-A-6 047 264 (KAPLAN SAMUEL JERROLD ET AL), 4 April 2000 (2000-04-04)
- D3: US-B-6 220 5091 (BYFORD DERRICK JOHN), 24 April 2001 (2001-04-24)
- D4: EP-A-0 491 367 (BULL HN INFORMATION SYST), 24 June 1992 (1992-06-24)

None of the citations describes a method having all the features of the newly submitted claims 1 and 5.

The method and system as per claims 1 and 5 is therefore novel (PCT Article 33(2)).

However, the device as per claim 5 is not inventive (PCT Article 33(3)) because it relates to a combination of systems and modules which are known *per se* in order to solve the well known problem of the transmission of messages to users within a logistic system. A person skilled in the art would assemble and programme the same

gateways, queues, registration and administration units in order to solve the problem in question without being inventive. The mere combination and programming of well known systems and modules in order to solve a well known problem do not involve an inventive step.

The same argument applies to the method steps defined in independent claim 1, *mutatis mutandis*.

Dependent claims 2-4 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT inventive step requirements, because these features constitute conventional measures (PCT Article 33(3)).